

HOUSE BILL No. 5789

February 21, 2008, Introduced by Reps. Constan, Miller, LeBlanc, McDowell, Byrum, Byrnes, Wojno, Lemmons, Scott, Ebli, Donigan, Vagnozzi, Young, Simpson, Hopgood, Spade, Gonzales, Sheltroun, Brown, Espinoza, Bennett, Mayes, Valentine, Polidori, Cheeks, Hammon, Dean, Alma Smith, Clack, Hammel, Melton, Coulouris, Meadows, Bauer, Griffin, Kathleen Law, Meisner and Angerer and referred to the Committee on Commerce.

A bill to amend 1963 PA 62, entitled
"Industrial development revenue bond act of 1963,"
(MCL 125.1251 to 125.1267) by adding section 5a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 5A. (1) BEGINNING JULY 1, 2008, THE GOVERNING BODY OF THE
2 MUNICIPALITY SHALL NOT ISSUE BONDS OR NOTES UNDER THIS ACT TO
3 CONSTRUCT, IMPROVE, OR FINANCE IMPROVEMENTS TO INDUSTRIAL BUILDINGS
4 UNDER THIS ACT UNLESS THE APPLICANT STATES, IN WRITING, THAT THE
5 APPLICANT WILL NOT HIRE OR CONTRACT WITH ANY BUSINESS ENTITY THAT
6 HIRES AN INDIVIDUAL WHO IS NOT AUTHORIZED UNDER FEDERAL LAW TO WORK
7 IN THE UNITED STATES AND THAT THE ELIGIBLE BUSINESS WILL COMPLY IN
8 GOOD FAITH WITH THE VERIFICATION REQUIREMENTS IN 8 USC 1324A TO
9 ENSURE THAT ALL EMPLOYEES HIRED BY THE APPLICANT OR EMPLOYEES OF

1 ANY CONTRACTORS HIRED BY THE APPLICANT ARE AUTHORIZED TO WORK IN
2 THE UNITED STATES.

3 (2) BEGINNING JULY 1, 2008, THE GOVERNING BODY OF THE
4 MUNICIPALITY SHALL NOT ISSUE BONDS OR NOTES UNDER THIS ACT TO
5 CONSTRUCT, IMPROVE, OR FINANCE IMPROVEMENTS TO INDUSTRIAL BUILDINGS
6 UNDER THIS ACT UNLESS THE APPLICANT STATES, IN WRITING, THAT THE
7 APPLICANT WILL NOT VIOLATE THE PROVISIONS OF 1965 PA 166, MCL
8 408.551 TO 408.558, IF APPLICABLE, IN THE CONSTRUCTION,
9 IMPROVEMENT, OR FINANCING OF IMPROVEMENTS TO INDUSTRIAL BUILDINGS
10 UNDER THIS ACT.

11 (3) BEGINNING JULY 1, 2008, THE GOVERNING BODY OF THE
12 MUNICIPALITY SHALL NOT ISSUE BONDS OR NOTES UNDER THIS ACT TO
13 CONSTRUCT, IMPROVE, OR FINANCE IMPROVEMENTS TO INDUSTRIAL BUILDINGS
14 UNDER THIS ACT UNLESS THE APPLICANT STATES, IN WRITING, THAT THE
15 APPLICANT WILL DO ALL OF THE FOLLOWING:

16 (A) MAKE A GOOD FAITH EFFORT TO EMPLOY, IF QUALIFIED, MICHIGAN
17 RESIDENTS AT THE INDUSTRIAL BUILDING.

18 (B) MAKE A GOOD FAITH EFFORT TO EMPLOY OR CONTRACT WITH
19 MICHIGAN RESIDENTS AND FIRMS TO CONSTRUCT OR IMPROVE INDUSTRIAL
20 BUILDINGS UNDER THIS ACT.

21 (C) MAKE A GOOD FAITH EFFORT TO UTILIZE MICHIGAN-BASED
22 SUPPLIERS AND VENDORS WHEN PURCHASING GOODS AND SERVICES.

23 (4) BEGINNING JULY 1, 2008, THE WRITTEN AGREEMENT DESCRIBED IN
24 SUBSECTION (1) SHALL ALSO CONTAIN A REMEDY PROVISION THAT PROVIDES
25 FOR ALL OF, BUT NOT LIMITED TO, THE FOLLOWING:

26 (A) A REQUIREMENT THAT THE APPLICANT'S INDUSTRIAL FACILITIES
27 EXEMPTION CERTIFICATE IS REVOKED UNDER THIS ACT IF THE APPLICANT IS

1 DETERMINED TO BE IN VIOLATION OF SUBSECTION (1) OR (2), AS
2 DETERMINED BY THE GOVERNING BODY OF THE MUNICIPALITY.

3 (B) A REQUIREMENT THAT THE APPLICANT MAY BE REQUIRED TO REPAY
4 SOME OR ALL OF THE BENEFITS RECEIVED UNDER THIS ACT IF THE
5 APPLICANT IS DETERMINED TO BE IN VIOLATION OF THE PROVISIONS OF
6 SUBSECTION (1) OR (2), AS DETERMINED BY THE GOVERNING BODY OF THE
7 MUNICIPALITY.

8 (5) NOT LATER THAN FEBRUARY 1 EACH YEAR, THE GOVERNING BODY OF
9 THE MUNICIPALITY SHALL REPORT TO THE BOARD OF THE MICHIGAN
10 STRATEGIC FUND ON THE ACTIVITIES FOR THE IMMEDIATELY PRECEDING
11 FISCAL YEAR. THE REPORT SHALL CONTAIN ALL OF THE FOLLOWING:

12 (A) THE NUMBER OF MICHIGAN RESIDENTS EMPLOYED IN NEW JOBS FROM
13 THE CONSTRUCTION, IMPROVEMENT, OR FINANCING OF INDUSTRIAL BUILDINGS
14 UNDER THIS ACT IN THE IMMEDIATELY PRECEDING YEAR.

15 (B) THE NUMBER OF NEW JOBS CREATED FROM THE CONSTRUCTION,
16 IMPROVEMENT, OR FINANCING OF INDUSTRIAL BUILDINGS UNDER THIS ACT IN
17 THE IMMEDIATELY PRECEDING YEAR.

18 (C) THE DETAILS OF THE GOOD FAITH EFFORTS REQUIRED OF THE
19 APPLICANT DESCRIBED IN SUBSECTION (3) (A), (B), AND (C).